

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN CHRISTENSEN, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-23-97-D
	)	
NATIONAL CENTER FOR MISSING	)	
AND EXPLOITED CHILDREN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin on March 23, 2023, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Erwin recommends the dismissal of this action without prejudice due to Plaintiff's failure to pay the initial partial filing fee and failure to comply with the order for payment.<sup>1</sup> Plaintiff has filed a timely written Objection [Doc. No. 9]. The Court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made" and "may accept, reject or modify, in whole or in part, the findings and recommendations made by the magistrate judge." *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3).

Plaintiff asserts in his Objection, and provides supporting evidence to show, that he did not receive a copy of the February 23, 2023 order requiring payment. *See* Obj., Ex. 1 [Doc. No. 9-1] at 2. Plaintiff credibly states that the R&R provided his first notice that

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<sup>1</sup> *See* Order Granting Leave to Proceed *In Forma Pauperis* [Doc. No. 7].

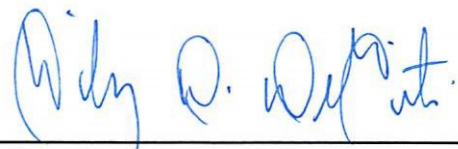
his motion to proceed in forma pauperis had been granted and that payment of an initial filing fee had been ordered. Plaintiff also states that he fully intends to comply with the order requiring payment of a filing fee of \$12.07 upon receiving a copy of the order.

Upon *de novo* consideration of the R&R and the issues raised by Plaintiff's Objection, the Court finds no dispute of Judge Erwin's findings regarding the amount of the initial partial payment required by § 1915(b)(1). Under the circumstances shown by the record, however, the Court finds that Plaintiff should be granted additional time to comply with Judge Erwin's order for payment.

**IT IS THEREFORE ORDERED** that the Report and Recommendation [Doc. No. 8] is **ADOPTED** to the extent that the recommended dismissal will be ordered if Plaintiff does not comply with the requirement to pay an initial partial filing fee of \$12.07, or show cause in writing for nonpayment, by May 10, 2023.

**IT IS FURTHER ORDERED** that the Clerk is directed to send Plaintiff another copy of the Order Granting Leave to Proceed *In Forma Pauperis* [Doc. No. 7], which states the amount of the required payment.

**IT IS SO ORDERED** this 7<sup>th</sup> day of April, 2023.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge